

REMARKS

Reconsideration of the application is respectfully requested.

I. Status of the Claims

Claim 5 was previously canceled without prejudice or disclaimer of the subject matter therein.

Claims 1-4, 6 and 7 are pending. No amendments are made in the present response. The claims are presented as a courtesy to the Examiner.

II. Restriction/Election Requirements

The Examiner has required restriction between the following inventions:

Group I: Claims 1-4, drawn to an absorbent article with a topsheet having first and second sides, a liquid impermeable backsheet, and an absorbent core between the topsheet and the backsheet, classified in class 604, subclass 367.

Group II: Claims 6 and 7, drawn to a method of selecting or evaluating a topsheet with a favorable dry feeling, classified in class 128, subclass 898.

If Group I is elected, the Examiner further requires to elect a single disclosed species between the following species:

Species A: a topsheet in which the first side has a fiber density which is higher than that of the second side as generically disclosed in Claim 1 and exemplified by specie of Claim 2.

Species B: a topsheet in which the first side has a fitness which is lower than that of the second side as generically disclosed in Claim 1 and exemplified by specie of Claim 3.

Claim 1 is currently generic.

In response, Applicants elect Group II, claims 6 and 7, drawn to a method for either selecting or evaluating a topsheet with a favorable dry feeling with traverse.

Applicants respectfully traverse the outstanding election requirement for the following reasons.

In the previous Office Action dated April 5, 2006, the Examiner performed searches and fully examined all of claims 1-4, 6 and 7.

MPEP §803 states the following:

If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions.

Because the Examiner already performed the search, the claims of the present application were part of an overlapping search area, and there was no undue burden on the Examiner to search all the claims under MPEP §803. The Applicants' Response filed on August 7, 2006 did not change the scope of the pending claims to the extent that a new invention or specie was created. From the time of filing, the claims are directed to a topsheet and a method for either selecting or evaluating a topsheet. Since both the article and method have already been searched, the Examiner has already, by her actions, determined that a search of both groups does not pose a serious burden on the Examiner to perform an additional search. Therefore, Applicants respectfully traverse the Restriction/Election Requirements on the grounds that any additional searches and examinations of all the claims in the application would not place a serious burden on the Examiner.

The Restriction Requirement is therefore improper, and all pending claims 1-4, 6 and 7 should be examined together on the merits. Thus, Group II, claims 6 and 7, is elected **with traverse.**

III. Allowable Subject Matter

Claim 6 was indicated as allowable in the previous Office Action dated April 5, 2006, if rewritten to overcome the rejections under 35 U.S.C. § 112, first and second paragraphs, and amended accordingly to overcome the rejections. Therefore, Applicants respectfully submit that claim 6 is in condition for allowance.

Claim 7 was added in the previous Office Action dated April 5, 2006. Claim 7 includes subject matter substantially similar to allowable subject matter recited in claim 6. Accordingly, claim 7 is also allowable.

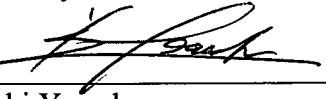
CONCLUSION

Applicant believes the pending application is in condition for allowance. Accordingly, the Examiner is respectfully requested to examine this application and pass it to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below if the Examiner believes any issue can be resolved through either a Supplemental Response or an Examiner's Amendment.

Dated: December 1, 2006

Respectfully submitted,

By 
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